## REMARKS

This application has been carefully reviewed in light of the Office Action dated July 1, 2005. Claims 1 to 37 and 55 to 82 remain pending in the application, of which Claims 1, 19, 37, 55, 73, 74, 75, 77 and 79 to 82 are independent. Reconsideration and further examination are respectfully requested.

In the Office Action, Claims 19 to 36, 81, and 82 were rejected under 35 U.S.C. § 101. Without conceding the correctness of the rejections, Claims 19, 81 and 82 have been amended so as to provide even better compliance with § 101. Reconsideration and withdrawal of the § 101 rejections are respectfully requested.

Claims 1 to 37 and 55 to 82 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing the to meet the enablement requirement. The rejections are traversed and the Examiner is requested to reconsider and withdraw the rejections in light of the following comments.

The specific grounds for the rejections are that the claimed feature of "wherein the device-independent color appearance space, taking into account viewing conditions, defines color coordinates that attempt to describe how colors appear to a viewer" is not enabled. Initially, Applicants wish to point out that the foregoing feature is not an essential feature to the patentability of the claims. Rather, the foregoing feature was merely added to the claims so as to provide an even clearer definition of the claimed "device-independent color appearance space" since Applicants perceived the Examiner as having misinterpreted that term in prior Office Actions in light of the art. Thus, Applicants merely included that language so as the Examiner regarding any misinterpretation.

Nonetheless, Applicants submit that the claimed feature itself defining a "device-independent color appearance space" is well know in the art, and Applicants wish

to direct the Examiner's attention to the Description of the Related Art portion of the specification as evidencing such knowledge. Accordingly, the Office Action's rejection based on those skilled in the art not being able to make and/or use the claimed invention based on the foregoing feature is misplaced.

With respect to the Office Action's statement that the asserted utility is "inoperative", the Office Action provides no evidence to support such a statement. Moreover, as pointed out above, the foregoing feature is well known in the art and therefore, necessarily must be operative. Situations where an invention is found to be "inoperative" and therefore lacking in utility are rare, and rejections maintained solely on this ground by a Federal court even rarer. See MPEP § 2107.01. It must be clear, based on the factual record, that the invention could not work as Applicants claim it does. Here, clearly the invention does in fact work as Applicants claim.

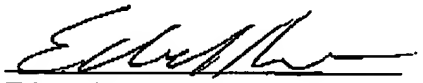
In view of the foregoing, withdrawal of the § 112, first paragraph, rejection is respectfully requested.

Claims 1, 37 and 55 were also rejected under 35 U.S.C. § 112, second paragraph. Without conceding the correctness of the rejections, the preamble of Claims 1, 37 and 55 has been amended to provide even better antecedence without affecting the scope of the claims. Reconsideration and withdrawal of the § 112, second paragraph, rejections are respectfully requested.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Edward A. Kmett
Attorney for Applicants
Registration No. 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

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